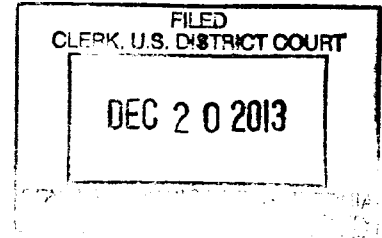


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13 DISNEY ENTERPRISES, INC.

14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA  
16 WESTERN DIVISION

17 DISNEY ENTERPRISES, INC., a  
18 Delaware corporation,

19 Plaintiff,

20 v.

21 PHASE 4 FILMS, INC., a Canadian  
22 corporation, PHASE 4 FILMS (USA)  
23 LLC, a Delaware limited liability  
24 company, and Does 1-10,

25 Defendants.

) Case No. **CV13-9401 RSWL-MAN**  
)  
) **COMPLAINT FOR TRADEMARK**  
) **INFRINGEMENT AND UNFAIR**  
) **COMPETITION**

) **JURY TRIAL DEMANDED**

26 Plaintiff Disney Enterprises, Inc. ("DEI") for its Complaint against  
27 Defendants Phase 4 Films, Inc. and Phase 4 Films (USA) LLC (together,  
28 "Phase 4"), and Does 1-10 (with Phase 4, "Defendants") alleges as follows:

1 **I. INTRODUCTION**

2 1. One of this year's most acclaimed and successful motion pictures is  
 3 *FROZEN*, a feature-length animated picture released by DEI's affiliate, Walt Disney  
 4 Pictures, shortly before Thanksgiving in November 2013. *FROZEN* is slated for  
 5 release in DVD and other home entertainment formats in early 2014. Its prospects  
 6 for continued success in that market are also bright, with millions of copies of the  
 7 picture likely to be purchased by consumers in brick and mortar stores such as Wal-  
 8 Mart and Best Buy or at online retailers such as iTunes and Amazon.com. The  
 9 theatrical release of *FROZEN* was carefully planned and executed over an extended  
 10 period of time: Marketing for the picture showing its key artwork and title logo  
 11 debuted in movie theatres and other media nationwide in June 2013. A coordinated,  
 12 wide-ranging public merchandising campaign using the same titles, logos, and  
 13 designs began in September 2013.

14 2. On November 1, 2013, less than three weeks before the Hollywood  
 15 premiere of *FROZEN* on November 19, Phase 4 theatrically released an animated  
 16 picture entitled *The Legend of Sarila*, which generated minimal box office revenues  
 17 and received no significant critical attention. Accordingly, that picture's prospects  
 18 for achieving success in the home entertainment market were uncertain at best.  
 19 Knowing of Disney's imminent release of *FROZEN*, however, Phase 4 suddenly  
 20 changed the title of *The Legend of Sarila* ("Sarila" being the name of a lush,  
 21 abundant, and non-frigid mythical land) to *FROZEN LAND*, a title deceptively and  
 22 confusingly similar to *FROZEN*. Phase 4 also redesigned the artwork, packaging,  
 23 logo, and other promotional materials for its newly (and intentionally misleadingly)  
 24 retitled film to mimic those used by DEI for *FROZEN* and related merchandise. In  
 25 fact, Phase 4's redesigned logo, as depicted below on its DVD cover, is nearly  
 26 identical to *FROZEN*'s logo, shown below on a toy's packaging:  
 27  
 28



The near identity to *FROZEN*'s logo rules out coincidence or accident.

3. Phase 4's conduct is unlawful. It is proscribed by, among other statutes, the federal Lanham Act. In this action, DEI seeks, among other things, preliminary and permanent injunctive relief and damages to remedy Defendants' actions.

## **II. JURISDICTION AND VENUE**

4. This is a complaint for Trademark Infringement and False Advertising arising under Section 43(a) of the Lanham Act, 15 U.S.C. Sec. 1125(a), 101 et seq.

5. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. Sec. 1338(a) and 15 U.S.C. Sec. 1121.

6. This Court has personal jurisdiction over Defendants because, among other things, Defendants conduct and solicit business in this jurisdiction and, on information and belief, distribute motion pictures and associated consumer products that are the subject matter of this Complaint in this jurisdiction.

7. Venue is proper in this district under 28 U.S.C. Sec. 1391(b) and (c) because a substantial part of the events giving rise to the claims occurred in this district.

## **III. THE PARTIES**

8. DEI is, and at all times relevant hereto has been, a corporation organized and existing under the laws of Delaware, with a principal place of

1 business at 500 South Buena Vista Street, Burbank, California 91521. Among other  
 2 things, DEI owns trademark rights in feature-length motion pictures produced and  
 3 distributed by affiliated companies of The Walt Disney Company and/or their  
 4 predecessors in interest. A significant aspect of DEI's business is the licensing of  
 5 the characters and other original elements featured in the motion pictures of its  
 6 Disney affiliates.

7 9. DEI is informed and believes, and on that basis alleges, that Defendant  
 8 Phase 4 Films, Inc. is, and at all times relevant hereto has been, a corporation  
 9 organized and existing under the laws of Canada, with a principal place of business  
 10 in Canada, but doing business in the United States and in the State of California,  
 11 including in this judicial district and elsewhere.

12 10. DEI is informed and believes, and on that basis alleges, that Defendant  
 13 Phase 4 Films (USA) LLC is a Delaware limited liability company that operates as  
 14 Phase 4 Films, Inc.'s business entity for the distribution of motion pictures in the  
 15 United States and in the State of California, including in this judicial district and  
 16 elsewhere.

17 11. DEI is currently unaware of the true names and capacities, whether  
 18 individual, corporate, or otherwise, of Does 1 through 10, and therefore sues these  
 19 defendants by fictitious names. Each Doe defendant in some way participated in,  
 20 contributed to, or was responsible for the matters alleged in this Complaint. When  
 21 DEI learns the true name and capacity of a Doe defendant, DEI will amend this  
 22 pleading to allege that defendant's true name and capacity, together with such other  
 23 allegations as may be appropriate.

#### 24 **IV. FACTUAL BACKGROUND**

##### 25 **A. The Motion Picture *FROZEN***

26 12. On November 19, 2013, the Disney animated motion picture *FROZEN*  
 27 premiered in Hollywood. The title is a trademark of DEI. *FROZEN* tells the story  
 28 of Anna, a young princess whose sister, the Snow Queen, freezes her kingdom;



1 Anna then journeys with her brave (but funny) companions to save her kingdom  
2 from an eternal winter. Since its debut, *FROZEN* has been exhibited in more than  
3 3,700 theatres across the United States and is reported to have generated cumulative  
4 box office receipts of more than \$170 million.

5 **B. The Distinctive *FROZEN* Trademarks**

6 13. As part of the development of *FROZEN*, a distinctive logo for the  
7 “Frozen” trademark was created to promote the picture (the “*FROZEN* Trademark  
8 Logo”). The *FROZEN* trademark and the *FROZEN* Trademark Logo are as follows:



15 As used in a promotional poster for *FROZEN*, it appears as follows:



23 14. As is apparent, the *FROZEN* Trademark Logo is highly distinctive,  
24 including capital letters with jagged, uneven edges, dramatic flourishes on the  
25 letters, and an elongated R and Z that cradle the most prominent element—a  
26 stylized O that curves into itself and does not close entirely.

1           15. The *FROZEN* trademark and the *FROZEN* Trademark Logo have been  
 2 used and featured prominently on all marketing materials for the picture. They are  
 3 featured on an internet website promoting the picture  
 4 (<http://movies.disney.com/frozen>), as well as on all media marketing or promoting  
 5 the picture. They appear in the picture itself, as well as at every theatre where the  
 6 picture is exhibited or advertised, and on television, internet, and print advertising.

7           16. *FROZEN* was the subject of trailers, the first of which was released in  
 8 theatres in June 2013 to run at the beginning of the Disney/Pixar box-office hit,  
 9 *Monsters University* and, like all of its other promotional material, used the  
 10 distinctive trademark and the *FROZEN* Trademark Logo. These trailers were shown  
 11 in theatres, on television, and on the internet, including through, *inter alia*, iTunes,  
 12 YouTube and Facebook. DEI is informed and believes, and on that basis alleges,  
 13 that these trailers have been viewed by millions of people since the first trailer was  
 14 released.

### 15           C. The Distinctive *FROZEN* BLUE OVAL

16           17. The release of *FROZEN* was coordinated with a licensing program  
 17 pursuant to which the design, manufacture, promotion, distribution, and sale of an  
 18 array of merchandise based on the characters, themes, and artwork of *FROZEN* were  
 19 licensed. DEI and its affiliates and licensees expended substantial resources in  
 20 developing this program which includes books, software, apparel, toys, promotional  
 21 merchandise, and a range of other consumer products.

22           18. A key component of the licensing program was the development of the  
 23 *FROZEN* trademark in conjunction with distinctive trade dress to distinguish  
 24 *FROZEN* and to assist consumers in associating licensed merchandise with the  
 25 Disney motion picture. That trade dress was developed over a substantial period of  
 26 time—well in advance of the theatrical release—and distributed in the form of style  
 27 guides to licensees so that the licensees could design, manufacture, and promote  
 28 associated merchandise coordinated with the theatrical release of *FROZEN*. The

1 first style guide, containing the *FROZEN* Trademark Logo and the *FROZEN* Blue  
2 Oval referenced below, was made available to thousands of licensees as of January  
3 2013. Licensed *FROZEN* merchandise was available to the public in or around  
4 September 2013.

5 19. As part of the *FROZEN* licensing program, the *FROZEN* trademark and  
6 *FROZEN* Trademark Logo appear on licensed *FROZEN*-associated merchandise in  
7 a distinctive context: They are placed in white on top of a royal blue oval with a  
8 pattern of flourishes and a floral design surrounding the perimeter of the oval in a  
9 lighter shade of blue (the “*FROZEN* Blue Oval”). The flourishes and floral design  
10 is a form of rosemaling, a decorative folk art believed to have originated in Norway  
11 that Disney used to tie the trademark to the story of *FROZEN*, which takes place in a  
12 mythical kingdom surrounded by mountains and fjords inspired, in part, by Norway.  
13 The *FROZEN* Blue Oval is as follows:



21 As used on licensed *FROZEN*-associated merchandise it appears as follows:  
22  
23  
24  
25  
26  
27  
28



**D. Phase 4 Intentionally Changed the Name and the Logo of Its Movie**

20. The animated picture *The Legend of Sarila* was produced in Canada by CarpeDiem Film & TV and 10th Ave Productions. As described by its original Canadian producers, *The Legend of Sarila* tells “the story of a voyage of initiation in which three young Inuit go in search of Sarila, a promised land, hoping to save their clan from famine.” *The Legend of Sarila* had a theatrical release outside of the United States in the spring of 2013, using the following title logo:



21. DEI is informed and believes, and on that basis alleges, that Phase 4 acquired the rights to distribute *The Legend of Sarila* in the United States in or around June 2013 and that Phase 4 released the film theatrically in the United States in or around November 1, 2013 as *The Legend of Sarila*.

22. The picture *The Legend of Sarila* was then released and marketed in home entertainment formats in the United States on or about November 5, 2013, but not under its original title. Rather, DEI is informed and believes, and on that basis



1 alleges, that Phase 4 renamed the film *FROZEN LAND* prior to its November release  
 2 in commerce in home entertainment formats. DEI is further informed and believes,  
 3 and on that basis alleges, that Phase 4 did so to profit from the November 2013  
 4 theatrical release of Disney's *FROZEN* and the associated marketing efforts in  
 5 commerce that DEI and its affiliates invested in *FROZEN* prior to and after that  
 6 theatrical release. Through the advertising and promotion of *FROZEN*, including  
 7 through trailers and in other media, the *FROZEN* trademark, the *FROZEN*  
 8 Trademark Logo, and the *FROZEN* Blue Oval acquired distinctiveness with people  
 9 throughout the country prior to November 5, 2013.

10 23. Phase 4 created packaging and a logo for the new title *FROZEN LAND*  
 11 as follows:



18 24. As is apparent from the face of the *FROZEN LAND* logo, despite the  
 19 infinite options available to it, Phase 4 intended its logo to replicate the *FROZEN*  
 20 Trademark Logo of Disney's *FROZEN*. For example, the *FROZEN LAND* logo also  
 21 includes jagged, uneven edges on the lettering, dramatic flourishes on the letters,  
 22 and an elongated R and Z that cradle a stylized O that curves into itself and does not  
 23 close entirely. In addition, the word "frozen" is significantly larger than the word  
 24 "land." The two logos are nearly identical:



25. In addition, Phase 4 intended its logo to be a near carbon-copy of the *FROZEN* Blue Oval. For example, the *FROZEN LAND* logo places the “*FROZEN LAND*” title in white on a royal blue oval that, in addition to the title, includes decorative flourishes and floral designs surrounding the perimeter in a lighter shade of blue—flourishes and floral designs that are strikingly similar to the rosemailing used in the *FROZEN* Blue Oval. The following depicts the near identical form of the two ovals:



26. DEI did not authorize Defendants’ use of the title *FROZEN LAND*, the *FROZEN* Trademark Logo, or the *FROZEN* Blue Oval.

27. DEI is informed and believes, and on that basis alleges, that consumers have been and will continue to be confused as to the origin of Phase 4’s film *FROZEN LAND* and that, as a result of such confusion, DEI has suffered and will suffer irreparable harm as a result.

//

//

//

**FIRST CAUSE OF ACTION**  
**TRADEMARK INFRINGEMENT OF THE *FROZEN* TRADEMARK, THE**  
***FROZEN* TRADEMARK LOGO, AND THE *FROZEN* BLUE OVAL**  
**(Lanham Act § 1125(a)(1)(A))**

28. DEI incorporates paragraphs 1-27 set forth above as if set forth in full herein.

29. The *FROZEN* trademark is distinctive and, by virtue of the substantial investment and widespread promotion and distribution of the animated motion picture bearing the title, has acquired distinctiveness as an exclusive indicator of origin for the motion picture *FROZEN* and associated licensed merchandise.

30. Defendants use a copy, variation, simulation, or colorable imitation of the *FROZEN* trademark in connection with their own production, marketing, advertising, promotion, distribution, and sale of *FROZEN LAND*. Defendants' use of this title is explicitly misleading and not authorized by DEI, and its use is expressly misleading and likely to cause confusion, mistake, or deception and constitutes trademark infringement in violation of Section 43 of the Lanham Act. 15 U.S.C. §1125(a)(1)(A).

31. The *FROZEN* Trademark Logo is distinctive and, by virtue of the substantial investment and widespread promotion and distribution of the animated motion picture bearing the title in the *FROZEN* Trademark Logo, it has acquired distinctiveness as an exclusive indicator of origin for the animated motion picture *FROZEN* and associated licensed merchandise.

32. The *FROZEN* Blue Oval is distinctive and, by virtue of the substantial investment and widespread promotion and distribution of the animated motion picture bearing the title in the *FROZEN* Trademark Logo as well as licensed merchandise bearing the *FROZEN* Blue Oval, it has acquired distinctiveness as an exclusive indicator of origin for the animated motion picture *FROZEN* and associated licensed merchandise.

33. Defendants' selection, incorporation, and use of the *FROZEN* trademark, the *FROZEN* Trademark Logo, and the *FROZEN* Blue Oval, and/or copies, variations, simulations, or colorable imitations thereof, were made with full knowledge of the prior and extensive use of DEI's *FROZEN* trademark, the *FROZEN* Trademark Logo, and the *FROZEN* Blue Oval, and were done with a conscious intent to expressly mislead and confuse the consuming public.

34. Defendants' acts alleged herein were willful and deliberate and have harmed DEI in an amount to be determined at trial and such damage will increase unless Defendants are enjoined from their wrongful actions.

35. Defendants' infringing use of the *FROZEN* trademark, the *FROZEN* Trademark Logo, and the *FROZEN* Blue Oval is causing immediate and irreparable injury to DEI and to its goodwill and reputation and will continue to damage DEI and confuse the public unless enjoined by this Court. DEI has no adequate alternative remedy at law to an injunction.

## SECOND CAUSE OF ACTION

### UNFAIR COMPETITION

#### (Lanham Act § 1125(a)(1)(A))

36. DEI incorporates paragraphs 1-35 set forth above as if set forth in full herein.

37. Defendants' marketing, advertising, promoting, distributing, and selling of Defendants' *FROZEN LAND* in commerce using copies, variations, simulations, or colorable imitations of the *FROZEN* trademark, *FROZEN* Trademark Logo, and the *FROZEN* Blue Oval is without authority of license from DEI. The conscious use of copies, variations, simulations, or colorable imitations of the *FROZEN* trademark, *FROZEN* Trademark Logo, and the *FROZEN* Blue Oval, combined with the express or implied representation that the film originated with, is associated with, or is endorsed or approved by DEI, together with a release date intended to capitalize on DEI's substantial marketing investment in *FROZEN* and associated



1 merchandising, constitute unfair competition in violation of the Lanham Act. 15  
2 U.S.C. § 1125(a)(1)(A).

3 38. Consumers are likely to be misled and deceived into believing, based  
4 on Defendants' representations and conduct in connection with the marketing,  
5 advertising, promoting, distributing, and selling of Defendants' *FROZEN LAND* that  
6 Defendants' film is associated with, sponsored, or approved by DEI when no such  
7 association, sponsorship, or approval exists.

8 39. DEI is informed and believes, and based on that basis alleges, that  
9 Defendants' selection, incorporation and use of the *FROZEN* trademark, *FROZEN*  
10 Trademark Logo, and the *FROZEN* Blue Oval, and/or copies, variations,  
11 simulations, or colorable imitations thereof, were made with full knowledge of the  
12 prior and extensive use of DEI's *FROZEN* trademark, *FROZEN* Trademark Logo,  
13 and the *FROZEN* Blue Oval and were done with an intent to deceive the consuming  
14 public.

15 40. Defendants' acts alleged herein were willful and deliberate and have  
16 harmed DEI in an amount to be determined at trial, and such damage will increase  
17 unless Defendants are enjoined from their wrongful actions.

18 41. Defendants' infringing use of the *FROZEN* trademark, *FROZEN*  
19 Trademark Logo, and the *FROZEN* Blue Oval is causing immediate and irreparable  
20 injury to DEI and to its goodwill and reputation and will continue to damage DEI  
21 and to confuse the public unless enjoined by this Court. DEI has no adequate  
22 alternative remedy at law to an injunction.

### 23 PRAYER FOR RELIEF

24 WHEREFORE, DEI prays for judgment against Defendants as follows:

25 1. That preliminary and permanent injunctive relief issue restraining  
26 Defendants, their officers, agents, servants, employees, representatives, successors  
27 and assigns, attorneys, and all those in active concert or participation with them  
28 from:



1           a.     Using the *FROZEN* trademark, *FROZEN* Trademark Logo,  
2 and/or the *FROZEN* Blue Oval, or any element thereof that makes Defendants' use  
3 confusingly similar to these, in the marketing, promotion, distribution, and/or sale of  
4 any motion picture in any format, including on DVD, Blu-Ray, and digital  
5 downloads, or of any related goods and/or services; or

6           b.     Infringing the *FROZEN* trademark, *FROZEN* Trademark Logo,  
7 and/or the *FROZEN* Blue Oval, unfairly competing with DEI, or otherwise injuring  
8 DEI's business reputation in any manner;

9           2.     That Defendants shall destroy all DVDs, DVD covers, posters,  
10 publications, software, brochures, labels, signs, or other promotional material that  
11 use the *FROZEN* trademark, *FROZEN* Trademark Logo, and/or the *FROZEN* Blue  
12 Oval, specifically including the distinctive title treatment and logo;

13           3.     That Defendants shall pay DEI compensatory damages and lost profits  
14 in an amount according to proof;

15           4.     That Defendants shall pay DEI actual damages as calculated pursuant  
16 to 15 U.S.C. § 1117(a);

17           5.     That DEI be awarded its reasonable attorneys' fees pursuant to  
18 15 U.S.C. § 1117(a);

19           6.     That DEI be awarded its costs in bringing this action;

20           7.     That DEI be awarded all such other and further relief as the Court  
21 deems just and proper.

22  
23       Dated: December 20, 2013

IRELL & MANELLA LLP

24  
25       By: 

26       Steven A. Marenberg  
27       Attorneys for Plaintiff  
28       DISNEY ENTERPRISES, INC.

**DEMAND FOR TRIAL BY JURY**

DEI hereby demands a trial by jury on all causes of action and issues properly triable to a jury.

Dated: December 20, 2013

IRELL & MANELLA LLP

By. 

Steven A. Marenberg  
Attorneys for Plaintiff

DISNEY ENTERPRISES, INC.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Ronald S.W. Lew and the assigned  
Magistrate Judge is Margaret A. Nagle.

The case number on all documents filed with the Court should read as follows:

2:13-cv-09401 RSWL-MANx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

December 20, 2013

Date

By SBOURGEOIS  
Deputy Clerk

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NOTICE TO COUNSEL

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

**Subsequent documents must be filed at the following location:**

☒ Western Division  
312 N. Spring Street, G-8  
Los Angeles, CA 90012

☐ Southern Division  
411 West Fourth St., Ste 1053  
Santa Ana, CA 92701

☐ Eastern Division  
3470 Twelfth Street, Room 134  
Riverside, CA 92501

**Failure to file at the proper location will result in your documents being returned to you.**

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

DISNEY ENTERPRISES, INC., a Delaware  
corporation

\_\_\_\_\_  
*Plaintiff(s)*

v.

PHASE 4 FILMS, INC., a Canadian corporation,  
PHASE 4 FILMS (USA) LLC, a Delaware limited  
liability company, and Does 1-10,

\_\_\_\_\_  
*Defendant(s)*

Civil Action No.

CV13-9401 RSWL-MAN<sub>x</sub>

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

PHASE 4 FILMS, INC. and  
PHASE 4 FILMS (USA) LLC

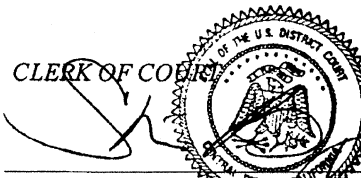
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Josh B. Gordon (josh.gordon@irell.com)  
IRELL & MANELLA LLP  
1800 Avenue of the Stars, Suite 900  
Los Angeles, California 90067-4276  
Telephone: (310) 277-1010  
Facsimile: (310) 203-7199

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: DEC 20 2013



Signature of Clerk or Deputy Clerk

1184

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

<b>I. (a) PLAINTIFFS</b> ( Check box if you are representing yourself <input type="checkbox"/> )  DISNEY ENTERPRISES, INC.	<b>DEFENDANTS</b> ( Check box if you are representing yourself <input type="checkbox"/> )  PHASE 4 FILMS, INC.; PHASE 4 FILMS (USA) LLC; and DOES 1-10
<b>(b) County of Residence of First Listed Plaintiff</b> <u>LOS ANGELES</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>	<b>County of Residence of First Listed Defendant</b> _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i>
<b>(c) Attorneys (Firm Name, Address and Telephone Number)</b> If you are representing yourself, provide the same information.  IRELL & MANELLA LLP, 1800 Avenue of the Stars, Suite 900, Los Angeles, California 90067-4276, (310) 277-1010	<b>Attorneys (Firm Name, Address and Telephone Number)</b> If you are representing yourself, provide the same information.

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1. U.S. Government Plaintiff <input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2. U.S. Government Defendant <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> -For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%;"> <tr> <td>Citizen of This State</td> <td>PTF <input type="checkbox"/> 1</td> <td>DEF <input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td>PTF <input type="checkbox"/> 4</td> <td>DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

**IV. ORIGIN** (Place an X in one box only.)

☒ 1. Original Proceeding   
 ☐ 2. Removed from State Court   
 ☐ 3. Remanded from Appellate Court   
 ☐ 4. Reinstated or Reopened   
 ☐ 5. Transferred from Another District (Specify) \_\_\_\_\_   
 ☐ 6. Multi-District Litigation

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☒ No      ☒ **MONEY DEMANDED IN COMPLAINT:** \$ to be determined at trial

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 15 U.S.C. § 1125(a)(1)(A); complaint for trademark infringement and unfair competition

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<b>Habeas Corpus:</b>	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b>	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<b>TORTS</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 530 General	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<b>Other:</b>	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>FORFEITURE/PENALTY</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<b>REAL PROPERTY</b>	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<b>LABOR</b>	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

**FOR OFFICE USE ONLY:**

Case Number:

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CIVIL COVER SHEET

CV13-9401

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**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<b>Question A: Was this case removed from state court?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<b>STATE CASE WAS PENDING IN THE COUNTY OF:</b>		<b>INITIAL DIVISION IN CACD IS:</b>
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

<b>Question B: Is the United States, or one of its agencies or employees, a party to this action?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<b>If the United States, or one of its agencies or employees, is a party, is it:</b>		<b>INITIAL DIVISION IN CACD IS:</b>
	<b>A PLAINTIFF?</b>	<b>A DEFENDANT?</b>	
	<small>Then check the box below for the county in which the majority of DEFENDANTS reside.</small>	<small>Then check the box below for the county in which the majority of PLAINTIFFS reside.</small>	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

<b>Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row.)</b>	<b>A Los Angeles County</b>	<b>B Ventura, Santa Barbara, or San Luis Obispo Counties</b>	<b>C Orange County</b>	<b>D Riverside or San Bernardino Counties</b>	<b>E Outside the Central District of California</b>	<b>F Other</b>
Indicate the location in which a majority of plaintiffs reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>C.1. Is either of the following true? If so, check the one that applies:</b> <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D  Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C.2 to the right. →	<b>C.2. Is either of the following true? If so, check the one that applies:</b> <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C  Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

<b>Question D: Initial Division?</b>	<b>INITIAL DIVISION IN CACD</b>
Enter the initial division determined by Question A, B, or C above: →	WESTERN DIVISION

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**IX(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

(Check all boxes that apply)

- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY**

**(OR SELF-REPRESENTED LITIGANT):** \_\_\_\_\_

DATE: December 20, 2013

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))